

AMENDED IN ASSEMBLY APRIL 19, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1578

Introduced by Assembly Member Cunneen

February 26, 1999

An act to amend Sections 5540.5, ~~5546, 5558, and 5561~~ and 5546 of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1578, as amended, Cunneen. Park and open space districts.

Existing law authorizes the East Bay Regional Park District to exchange up to a maximum of 40 acres of district-owned real property in any calendar year for other real property, and requires that any real property so acquired by the district be adjacent to other real property owned by the district.

This bill would make those provisions also applicable to the Midpeninsula Regional Open Space District.

Existing law authorizes a park or open-space district to contribute money, in those amounts as the board of directors of the district may by resolution find to be proper, to the California State Park Commission or to any municipality, county, or other public corporation within or outside of the district for specified purposes relating to park management, whenever in the judgment of the board of directors the acquisition or improvement is so located and planned as to be of benefit to the district.

This bill would authorize a district to provide grant funds to a private or nonprofit entity for those purposes relating to park acquisitions and improvements and would correct an obsolete reference in those provisions.

~~Existing law provides that the police appointed or employed by the board of directors within the park and open-space district in which they are appointed or employed have all of the powers of police officers of municipal corporations except the power of serving and executing civil process.~~

~~This bill would provide that the peace officers appointed or employed by the board of directors have, within the district for which they are appointed or employed, those powers as are provided for by law for peace officers who are police officers employed by a public safety agency.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5540.5 of the Public Resources
- 2 Code is amended to read:
- 3 5540.5. (a) Notwithstanding Section 5540, a district,
- 4 with the approval by a unanimous vote of the members
- 5 of its board of directors, may exchange any real property
- 6 dedicated and used for park or open-space, or both,
- 7 purposes for real property that the board of directors
- 8 determines to be of equal *or greater* value and is
- 9 necessary to be acquired for park or open-space, or both,
- 10 purposes.
- 11 (b) A district shall not in any calendar year exchange
- 12 more than 10 acres of district-owned real property
- 13 pursuant to this section for other real property, and any
- 14 real property acquired by the district shall be adjacent to
- 15 other real property owned by the district.
- 16 (c) Notwithstanding subdivision (b), the East Bay
- 17 Regional Park District and the Midpeninsula Regional
- 18 Open Space District may exchange up to a maximum of
- 19 40 acres of district-owned real property in any calendar
- 20 year pursuant to this section for other real property, and

1 any real property so acquired by the district shall be
2 adjacent to other real property owned by the district.

3 SEC. 2. Section 5546 of the Public Resources Code is
4 amended to read:

5 5546. A district may contribute money, in those
6 amounts the board of directors, by resolution, finds to be
7 proper, to the State Park and Recreation Commission or
8 to any municipality, county, or other public corporation,
9 district, or agency, for the purpose of assisting in the
10 acquisition of lands within or outside of the district for the
11 purposes specified in section 5541, or for improving the
12 lands in the manner therein specified, when in the
13 judgment of the board of directors the acquisition or
14 improvement is so located and planned as to be of benefit
15 to the district. A district may grant funds to a private
16 nonprofit entity for the purposes of this section.

17 ~~SEC. 3. Section 5558 of the Public Resources Code is~~
18 ~~amended to read:~~

19 ~~5558. (a) The board shall superintend, control, and~~
20 ~~make available to all of the inhabitants of the district,~~
21 ~~subject to its ordinances, rules, and regulations, all public~~
22 ~~parks, playgrounds, beaches, parkways, scenic drives,~~
23 ~~boulevards, open spaces, and other facilities for public~~
24 ~~recreation belonging to the district or under its control.~~

25 ~~(b) The board shall do all of the following:~~

26 ~~(1) Regulate, restrain, and control the kind of vehicles,~~
27 ~~and the time and conditions of travel or parking on those~~
28 ~~public parks, playgrounds, beaches, parkways, scenic~~
29 ~~drives, boulevards, open spaces, and other facilities for~~
30 ~~public recreation.~~

31 ~~(2) Employ suitable district peace officers.~~

32 ~~(3) Adopt all ordinances, rules, and regulations~~
33 ~~necessary for the administration, government,~~
34 ~~protection, and use of the property, improvements, and~~
35 ~~facilities belonging to the district or under its control.~~

36 ~~(e) The board shall, in general, do all acts necessary to~~
37 ~~the proper execution of the powers and duties granted to,~~
38 ~~and imposed upon, it by this article, and to manage and~~
39 ~~control the business and affairs of the district.~~

1 ~~(d) Notwithstanding any other provision of this~~
2 ~~section, the board of any district organized pursuant to~~
3 ~~Sections 5506.5 and 5538.5 may designate and employ~~
4 ~~officers and employees of the county in which the district~~
5 ~~is located as the district peace officers required by~~
6 ~~paragraph (2) of subdivision (b).~~

7 ~~SEC. 4. Section 5561 of the Public Resources Code is~~
8 ~~amended to read:~~

9 ~~5561. The peace officers appointed or employed by~~
10 ~~the board of directors have, within the district for which~~
11 ~~they are appointed or employed, those powers as are~~
12 ~~provided for by Section 830.1 of the Penal Code.~~

